

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Richard Lowery, on behalf of himself
and others similarly situated,

Plaintiff,

v.

Texas A&M University System, et al.,
Defendants.

CIVIL ACTION NO.
4:22-cv-3091

JUDGE CHARLES ESKRIDGE

PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff Richard Lowery respectfully advises the Court of the Supreme Court's recent decision in *303 Creative LLC v. Elenis*, No. 21-476 (2023). *303 Creative* allowed a Christian website designer to bring a pre-enforcement lawsuit over a public-accommodations statute that prohibits discrimination on account of sexual orientation and gender identity, because she feared that the law might be enforced in a manner that would prohibit her from denying services to those seeking a website that celebrates or promotes same-sex weddings. *See slip op.* at 2–3. The Court allowed this pre-enforcement challenge over the dissenting opinion's objections, *see id.* at 20, and it allowed the lawsuit to proceed even though the designer was not yet offering wedding-related services and had not been threatened or compelled to create an objectionable website, *see id.* at 2. *303 Creative* supports Mr. Lowery's claim that he need not formally apply for a faculty appointment at Texas A&M before suing to challenge its faculty-hiring practices.

We have attached a copy of *303 Creative* to this notice.

Respectfully submitted.

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Dated: July 5, 2023

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CERTIFICATE OF SERVICE

I certify that on July 5, 2023, I served this document through CM/ECF upon:

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